

REMARKS

The Applicant wishes to express his gratitude for the courtesies extended during the January 23, 2004 Examiner Interview. The foregoing requested amendments and following remarks are consistent with the discussions in the Interview.

The Applicant respectfully requests entry of the foregoing amendments in order to place the Application in condition for allowance. The requested amendments would cancel claims 1, 10-11, 15-16, 21, 23, 26, 28 and 30, and would amend claim 5 to incorporate the limitations of claim 6, claim 19 to incorporate the limitations of claim 21, and claim 24 to incorporate the limitations of claim 26. Claims 5, 19, 22, 24, 27 and 29 would remain pending.

Rejection Under § 112, Second Paragraph: Regarding the pending § 112, second paragraph rejection as failing to indicate what “end area” is being directed upwards, the Applicant is requesting amendment of independent claims 5, 19 and 24, to more clearly recite that the “end area” refers to the end of the elongated opening opposite its open end (*e.g.*, as recited in claim 19: “wherein each of the at least one of the elongated openings open laterally is curved with an end area opposite the open end directed upwards”). During the January 23, 2004 Interview, the Examiner agreed these amendments were sufficient to overcome the pending §112 rejection. Accordingly, entry of these amendments and withdrawal of the pending § 112, second paragraph is respectfully requested.

Rejections Under § 103(a): The following § 103(a) rejections are pending:

Claims 1, 5-6, 10, 17 and 29-30 as unpatentable over U.S. Patent No.

6,513,579 B1 to Kent, *et al.* ("Kent") in view of U.S. Patent No. 6,024,333 to Raasch, *et al.* ("Raasch");

Claims 11, 15-16 and 18 as unpatentable over Kent and Raasch in further view of U.S. Patent No. 5,915,490 to Würfel ("Würfel");

Claims 19, 22-24 and 27 as unpatentable over Würfel in view of Kent and Raasch; and

Claims 21, 26 and 28 as unpatentable over Würfel, Kent and Raasch in further view of U.S. Patent No. 5,429,182 to Hanafusa ("Hanafusa").

The following remarks are consistent with the discussions in the January 23, 2004 Interview, which resulted in the Examiner's acknowledgment that the claims, amended as requested above, would distinguish over the art of record.

The Kent Reference Is Ineffective Against This Application: As a threshold matter, the Applicant respectfully requests withdrawal of all the pending §103(a) rejections on the grounds that the Kent reference is not an effective reference against the present Application.

The present Application was filed in the U.S. on October 1, 2001. The Kent reference was filed in the U.S. on September 27, 2001. Under the provisions of 35 U.S.C. § 102(e)(2), Kent would be an effective reference only if it was filed in the U.S. before the invention of the subject matter in the present Application. However, the present Application is based on, and claims priority to, German application DE 100 48 530.8, filed September 30, 2000. Because invention occurred prior to the U.S. filing of the Kent reference, the Kent reference may not be applied against the present application. Further, because

the remaining references do not teach or suggest the features for which Kent was cited, these references do not render the pending claims unpatentable under § 103(a). Accordingly, the § 103(a) rejections should be withdrawn.

The Cited References Do Not Teach or Suggest the Present Invention:

Even assuming, *arguendo*, that the Kent reference was effective, the combination of the cited references does not teach or suggest the present invention.

The present invention is directed to a fastening arrangement for fastening a module on a vehicle body, wherein a module has a plurality of elongated openings extending in the same direction, such that the module can be initially guided transversely onto bolts affixed to the body, and moved along a path defined by the elongated openings (*i.e.*, the openings define a movement path that is lateral to the mounting bolts' longitudinal axes) until the module reaches the end of its openings, and rests on the bolts against the force of gravity. The benefits of this transverse vehicle module mounting approach are most evident where a module must be installed in a confined area, such as an area between two body panels where there is no frontal access and no efficient way to directly place the module onto its mounting bolts and then hold it in position while simultaneously attempting to install its fasteners (for example, when installing a module containing a radiator and its ducting in the narrow gap between inner and outer fender panels of a turbocharged Porsche 911 automobile).

Consistent with the lateral-sliding mounting approach of the present invention, the claims also recite that one of the elongated openings is open at one end, and that end has at least one flank constructed as an insertion aid to assist

in the initial maneuvering of the module onto its mounting bolts in the confined location. *See, e.g.*, Fig. 1 (element 22, which engages the first mounting bolt so that the remaining bolts then can be easily aligned with their respective elongated holes).

Rejection of Claims 1, 5-6, 10, 17 and 29-30 (Kent and Raasch): In contrast to the present invention, the Kent reference teaches a mounting system that requires frontal access to the mounting bolts on the vehicle (*i.e.*, approaching from the direction of the lug/bolt/stud longitudinal axis), as Kent's radiator mounting tabs are arranged to be either installed over mounting lugs or held against the vehicle body while fasteners are inserted through the mounting holes. *See, e.g.*, Kent Figs. 2 (hole 64 to be placed over stud, or to receive a fastener). There is no teaching or suggestion of any transverse sliding to reach a stable position relative to gravity forces; rather, Kent's non-curved holes are apparently elongated only to accommodate fastener location manufacturing tolerances.

Like Kent, Raasch also teaches only frontal approach to the component mounting surface. The Raasch reference only teaches the generally known fastening concept of a tab (52) inserted into a slot (14) from directly in front of the mounting surface (12), where the tab is retained by the inner face of mounting surface.¹ *See, e.g.*, Raasch Fig. 1. The Applicant respectfully submits that one of ordinary skill in the art would find no suggestion in either Kent or

¹ While the Applicant addresses the Raasch reference herein, he does not concede that this reference is either analogous art or otherwise pertinent to the problem with which the present invention is concerned. MPEP § 2141.01(a).

Raasch to try to adapt Raasch's front-access tab-and-slot teaching to Kent's mounting tabs, and that in any event, such a combination would not obtain the present invention.

The modification of Kent's mounting tabs with Raasch's tab-and-slot would result in the modified radiator module having tabs that must move forward to engage appropriate receiving slots. Such an arrangement runs counter to any motivation to combine these references, as it would require the addition of slots on the vehicle body or other additional components with suitable slots, an undesirable increase in vehicle complication. Further, such a combination would still not achieve the present invention's self-supporting *transverse* sliding mounting arrangements.

Because the Kent and Raasch references do not teach or suggest anything with regard to the present invention's transverse mounting of a vehicle module, the Applicant respectfully requests the pending § 103(a) rejection of claims 1, 5-6, 10, 17 and 29-30 be withdrawn.

Rejection of Claims 11, 15-16 and 18 (Kent, Raasch and Würfel): On entry of the foregoing amendments canceling these claims, this rejection will be moot.

Rejection of Claims 19, 22-24 and 27 (Würfel, Kent and Raasch) and Claims 21, 26 and 28 (Kent, Raasch, Würfel and Hanafusa): Würfel is cited as teaching a vehicle with a plurality of fastening lugs (in fact, only one radiator bracket mounting lug 40 is taught in Fig. 2), but is acknowledged to not teach parallel elongated holes that would support the module in position against

gravity, features asserted to be taught by Kent and Raasch. Office Action at 4-5. However, like Kent and Raasch, Würfel also teaches a module which requires frontal access for mounting, *i.e.*, the Würfel module bracket end 42 must be placed over lug 40. As a result, there is no combination of Würfel, Kent and/or Raasch which results in a Würfel radiator module configured for transverse sliding mounting and self-supporting on its mounting lugs. Further, even if there were some motivation for combination, the resulting combinations would be unavailing -- Kent's elongated holes would still require frontal access to place the hole over lug 40, as would Raasch's tab-and slot arrangement, and therefore the combination of Würfel, Kent and Raasch would still not obtain the present invention's transverse module mounting approach.

With respect to Hanafusa, this reference does not teach or suggest open slots for sliding transversely onto lugs. Instead, Hanafusa teaches another front access installation, in which the radiator rests on lower mounting brackets 10, and its upper brackets 11 are laid over mounting studs or fasteners are inserted through the brackets (an arrangement that also offers no stability with respect to gravity either, as the radiator, if not restrained by fasteners in the bracket 11 slots, would rotate and fall off its base). In fact, there is not even a mention of *any* sliding in this reference, let alone any suggestion transverse sliding mounting of the Hanafusa component. Thus, as with the other references, Hanafusa's non-sliding, front-access mounting configuration does not teach or suggest any aspect of the present invention's configuration for transverse movement into a gravity-stable position.

In view of the foregoing, the Applicants respectfully submit that none of the cited references, either alone or in combination, teaches or suggests the present invention, and the pending § 103(a) rejections should be withdrawn.

CONCLUSION

The Applicants respectfully submit that upon entry of the foregoing amendments, claims 5, 19, 22, 24, 27 and 29 would be in allowable form. Accordingly, entry of the requested amendments and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037/50187US).

January 28, 2004

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